U.S. Department of Labor

Mine Safety and Health Administration 1100 Wilson Boulevard Arlington, Virginia 22209-3939



NOV 3 0 2011

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations Mine Safety and Health Administration

THROUGH:

PETER J. MONTALI (b) (6)

Acting Director of Accountability for Mine Safety and Health Administration

FROM:

JERRY J. KISSELL (b) (6)

Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, MNM Western District

Boise Field Office, Boise, Idaho, and (b) (6)

(b) (6)

Introduction

This memorandum summarizes the Office of Accountability (OA) audit of the field office, and mine. The audit included MSHA field activities, level of enforcement, conditions and practices at the mine, Field Accompanied Reviews (FAR's), Office reviews (OR's), and MSHA supervisory and managerial oversight. The audit was conducted by Accountability Specialist Jerry J. Kissell.

Overview

The field office audit was conducted from (b) (6) through (b) (6) and included a review of administrative, inspection and enforcement levels. The mine visit was conducted on (b) (6) The (b) (6) accompanied the accountability specialist during the audit.

The audit team traveled with the inspection party to the mine on a regular (E-01) inspection. Areas and activities examined included the truck dump bin, the ore feed conveyor belt, primary and secondary MCC rooms, cross over auger conveyor, the fine powder elevator, four upper feed silos, air receiver and compressor tanks, four lower feed silos, the Williams mills and the finishing screen, load out area, two feed tunnels, two dolomite feed conveyor belts, gray feed conveyor belt, the truck load out scale. The Primary mill building included the jaw crusher, course elevator, scalper shaker, pioneer shaker, feed shaker, feed rolls, the 3/8 rolls, bag-house and the electrical switch gear panels. Other areas inspected included the shop building, fuel storage areas and the laydown areas. Mobile equipment inspected included a Volvo L445 front end-loader, Yale forklift, and a Hyster 60 forklift. The training plan and required records were reviewed as well.

S&S Rate Comparison

During FY 2010 the S&S rates for this field office were below the district but slightly above the national average. During FY 2011 the S&S rates were below the district and the national average. Citations issued during the audit were appropriately issued and consistent with policy and procedures. (See attachment B)

Fiscal Year	Fiscal Year Boise Field Office		National Average	
2010	37%	40%	36%	
2011	28%	35%	32%	

Time and Activity Comparison

A comparison of FY 2010 and FY 2011 time distribution at the Boise field office shows that time in the other category has increased for inspections at surface facilities. On-site time has decreased for inspections at surface facilities and is below the national average.

Time Distribution (%) - E01 Inspections at Surface Facilities

	Time Biodibation (70)		Lo i mopections at ouriace i aciities			
	Travel	Other*	Total On-Site**	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
FY 2010	25%	6%	58%	0%	11%	100%
Nat'l Avg FY 2010	20%	10%	62%	4%	8%	100%
FY 2011	30%	11%	50%	0%	9%	100%
Nat'l Avg FY 2011	21%	11%	61%	3%	6%	100%

^{**} Other time includes calibration of health sampling equipment, and mailing of samples

A comparison of FY 2010 and FY 2011 time distribution at the Boise field office shows that time in the other category has slightly increased for inspections at surface mines and is below the national average. On-site time has decreased for inspections at surface mines and is below the national average. The Boise staff assisted other field offices during the period of review which would account for the increase in travel time and the decreased on-site time.

Time Distribution (%) – E01 Inspections at Surface Mines

	**************************************		Et i inopositorio di Gariago illinoc			
			Total	Citations Issued	Citations Issued	Total
	Travel	Other	On-Site*	On-Site	Off-Site	Percent
FY 2010	31%	9%	48%	0%	12%	100%
Nat'l Avg FY 2010	25%	12%	56%	4%	7%	100%
FY 2011	33%	11%	45%	0%	11%	100%
Nat'l Avg FY 2011	26%	12%	55%	3%	7%	100%

^{**} Other time includes calibration of health sampling equipment, and mailing of samples

^{*} Total On-Site time includes citations written on-site

^{*} Total On-Site time includes citations written on-site

A comparison of FY 2010 and FY 2011 time distribution at the Boise field office shows that time in the other category has slightly increased for inspections at underground mines but is below the national average. On-site time has increased but is below the national average. The Boise staff assisted other field offices during the period of review which would account for the increase in travel time and the decreased on-site time.

Time Distribution (%) – E01 Inspections at Underground Mines

	Travel	Other	Total On-Site*	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
FY 2010	35%	9%	42%	0%	14%	100%
Nat'l Avg FY 2010	23%	11%	60%	2%	6%	100%
FY 2011	38%	10%	44%	0%	8%	100%
Nat'l Avg FY 2011	25%	11%	58%	2%	6%	100%

^{**}Other time includes calibration of health sampling equipment, and mailing of samples

Audit Results

The audit revealed positive findings in several areas, including the following:

- 1. MSHA personnel conducted themselves in a professional and courteous manner at all times during the audit and during the inspection.
- 2. Inspection activities observed during the audit followed MSHA policies, procedures and handbooks.
- MSHA personnel demonstrated excellent communications skills with the mine operator and conducted a good pre-conference discussion, reviewing past inspections, citations, and current operational status of the mine site.
- 4. Field Accompanied Reviews (FAR's) and Office Reviews (OR's) for the Boise field office were completed for each inspector and well documented.
- 5. Appropriate use of enforcement tools were observed during the mine site visit.
- 6. The Boise field office reported all of their mandated inspections were conducted and also provided assistance to other field offices with inspections throughout the year.

No issues needing corrective actions were identified during the audit; however an area regularly traveled on past inspections was cited for conditions that had not been recognized on previous inspections. This was reviewed with the field office supervisor and ADM in the close-out.

^{*} Total On-Site time includes citations written on-site

Attachments

- A. Office of Accountability Checklist with comments and recommendations.
- B. Citations/Orders issued during this audit

56.14206(b)
56.14109
56.14109
56.14112(a)(1)
56.12019
56.4500
56.14100(b)

District Western Field Office Boise, ID Mine ID (D) (O) Date (0) (6)
Determine if complete and thorough inspections are being conducted.
Adequate X Inadequate Not Applicable Comments Below X
During the Audit the inspection was in compliance with MSHA policy and procedure. However, Citation # (b) (6) issued during the audit under CFR 56.14109 was for conditions/ practices that had not been recognized during multiple past inspections. Previous inspection reports reviewed identified the same equipment in the documentation with no enforcement actions noted.
Determine if citations and orders issued during provious inspections were properly
Determine if citations and orders issued during previous inspections were properly 2. evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.
Adequate X Inadequate Not Applicable Comments Below
3. Evaluate inspector(s) examinations of required records and postings for compliance with applicable standards.
Adequate X Inadequate Not Applicable Comments Below
4. Evaluate the inspector(s) physical examination of the active working area's of the mine and inspection of all mining cycles.
Adequate X Inadequate Not Applicable Comments Below
5. Evaluate the inspector(s) on-site contaminant assessment and documentation.
Adequate X Inadequate Not Applicable Comments Below
No health samples were taken during this inspection. A review of previous Inspection reports

District Western Field Office Boise, ID Mine ID (b) (6) Date (b) (6)
6. Evaluate examination of electrical equipment, transformer stations, and/or electrical circuits.
Adequate X Inadequate Not Applicable Comments Below
7. Determine if adequate close-out conferences are being conducted at the end of each inspection.
Adequate X Inadequate Not Applicable Comments Below
8. Determine if Possible knowing/Willful (PKW) forms are documented and processed according to agency policy and procedures.
Adequate Not Applicable Comments Below X
No PKW forms were reviewed during this audit.
Evaluate 103(i) spot inspection (E02) reports for the office/district being audited for 9. compliance with agency policies and procedures, including compliance with time
frames and separating E02 inspections from other events. Adequate Not Applicable Comments Below
There are no 103(i) mines currently assigned to this field office.
10. Determine if Hazard complaint inspections/investigations are being conducted according to policy and procedures.
Adequate X Inadequate Not Applicable Comments Below

District Western Field Office Boise, ID Mine ID (b) (6) Date (b) (6)
Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.
Adequate X Inadequate Not Applicable Comments Below X
During the FY 2011 inspectors from the Boise field office assisted with inspections for the Elko, Nevada Field office and the Anchorage, Alaska field office which included inspecting Hawaii mining operations. This contributed to elevated "travel" and "other" time categories.
Are required Office Reviews (OR) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures? (One E-01/Inspector/every six months/FY – minimum)
Adequate X Inadequate Not Applicable Comments Below
Required office reviews for FY 2010 and FY 2011 were completed and in compliance with current MSHA policy and procedure.
Are required Field Accompanied Reviews (FAR's) and supervisory follow-up reviews 13. being conducted and documented according to agency policy and procedure? (One E-01/inspector/FY – minimum)
Adequate X Inadequate Not Applicable Comments Below
Required Field Activity Reviews for FY 2010 and FY 2011 were completed and in compliance with MSHA policy and procedure.
14. Determine if a 104(d) tracking system is in place and being kept current at the office being audited.
Adequate X Inadequate Not Applicable Comments Below
15. Determine if required mine files are legible, up to date, and reviewed by supervisors.
Adequate X Inadequate Not Applicable Comments Below

District Western Field Office Boise, ID Mine ID (D) (6) Date (b) (6)
16. Determine if supervisors are visiting mines.
Adequate X Inadequate Not Applicable Comments Below
Not required outside of Field Activity Reviews, however the Boise FO supervisor makes mine visits randomly to verify enforcement levels and mine conditions.
Tions faireding to voing concrete interest and mine conditions.
17. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to the Agency's mission and current issues.
Adequate X Inadequate Not Applicable Comments Below
Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Office Reviews and Field
18. reviews and holding supervisors accountable for oversight of Office Reviews and Field Accompanied Reviews. (b) (6)
· (o) (o)
19. Determine if district management personnel are reviewing work products for accuracy and completeness.
Adequate X Inadequate Not Applicable Comments Below
District management personnel review inspection reports throughout the fiscal year.
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Determine if District Manager is using discretion in granting conferences and is 20. monitoring the ACR program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the CLRs.
Adequate Not Applicable Comments Below X
This audit did not include a review of the ACR Program.

District Western Field Office Boise, ID Mine ID (b) (6) Date (b) (6)
21. Determine if District Manager is holding the Supervisory Special Investigator accountable for properly evaluating and initiating or denying potential cases. Adequate Not Applicable Comments Below
The Special Investigations Program was not included in this audit.
22. Determine if managers and supervisors are using required "standardized reports" to review critical data relevant to inspections and investigations. Adequate X Inadequate Not Applicable Comments Below
Supervisors use the Key Indicator reports/district reports.
Determine if Districts are conducting in-depth Peer Reviews in compliance with agency 23. policy and procedures including follow-up to determine effectiveness of corrective actions. Adequate X Inadequate Not Applicable Comments Below Peer reviews were conducted for FY 2010 in the Vacaville field office, and for FY 2011 in the Albany, Oregon field office.
Is information (mine status, methane liberation, number of employees, etc.) being 24. entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?
Adequate Not Applicable Comments Below X
The district and field office should review the mine status of all mining operations during the year and determine appropriate changes and update the mine information in MSIS.
25. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.
Adequate X Inadequate Not Applicable Comments Below

District Western Field Office	Boise, ID Mine ID (b)	(6) Date(b) (6)
26. Evaluate the overall condition documented in previously of	on of the mine relative to the completed inspections.	level of enforcement
Adequate X Inadequate	Not Applicable	Comments Below

Mine Citation/Order Section I-Videstor Date 1. Date Mo Da Yr Large Mo Da Written Notice Large Mo Da Yr Large Mo Da Written Notice Large Mo Da Yr Large Mo Da Mo Da Yr Large Mo Da Written Notice Large Mo Da Mo Da Yr Large Mo Da Written Notice Large Mo Da Mo Da Yr Large Mo Da Mo D	ttachment B- Citations issued during the Au	Mine ID (b) (6) Date (b) (6)
Section Loss Section Loss L	Mine Citation/Order	
(b) (6) (b) (6) (contractor (b) (contractor (c) (contractor (c)	Section I-Violation Data	
(b) (6) 6. Mine B 7. Mine B 8. Mine Cale H 8. Ling or discission b 8. Load or returned to the loader and lowered the bucket to the ground . 8. Load b 8. Loa		
(Contractor 8. Condition or Practice 8. Condition or Practice 8. Condition or Practice 8. Condition or Practice 8. Written Notice (1839) The Volvo L45 Loader was left unattended with the bucket in the raised position. The operator was standing beside the loader talking with another miner and did not lower the bucket before exiting the loader. The miner had used the loader to clean the area outside the loadout facility. This practice exposes persons to fatal crushing injuries. 8. Violation A Heasth B. Section of Sekby Citer C. Part/Section of Title 30 CFR Soliton C. Septifican and Substantial Vector C. Septifican and Substantial Vector C. Septifican and Substantial Vector No Lost Workdays Lost Workdays O'r Restricted Duly Permanently Disabling Fatal C. Septifican and Substantial Vector No Del D. Number of Persons Affected: O01 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard Mittan Notice C. Safeguard D. Written Notice C. Clation D. Order Safeguard Written Notice C. Clation D. Order Safeguard Written Notice C. Clation D. Order C. Safeguard D. Written Notice C. Clation D. Order C. Safeguard D. Written Notice C. Clation D. Order D. Control Number D. Order Number D. Order D. Order D. Control Number D. Order	(1.5.7.6)	(1 \ (0)
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9. Violation A. Health Safety B. Section of Act C. Part/Section of Title 30 CFR 56.14206b Section I-Inspector's Evaluation Title 30 CFR 56.14206b Section I-Inspector's Evaluation Title 30 CFR Section of Act Title 30 CFR Section of Title 30 CFR Section of Act Title 30 CFR Titl	used the loader to clean the area outs:	ide the loadout facility. This practice
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9. Violation A. Health Safety Other Ot		
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Satety Officer Offic	O Violation A Health	
10. Gravity: A. Injury or Illness (has) (is): B. Injury or Illness could reasonably be expected to be: C. Significant and Substantial: Yes: No D. Number of Persons Affected: 001 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action 104a 13. Type of Issuance (check one) C. Safeguard D. Written Notice E. Citation Order Number F. Dated Mo Da Yr 15. Area or Equipment 16. Termination Due A. Date (b) (6) Section III—Termination Action The operator returned to the loader and lowered the bucket to the ground. 18. Terminated A. Date (b) (6) B. Time (24 Hr. Clock (b) (6) Section NV-Automated System Data 19. Type of Inspection (activity code) E01 20. Event Number (b) (6) 21. Primary or Mill M.	Safety ☐ of Act T	
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19. Type of Inspection (activity code) E01 20. Event Number (b) (6) 21. Primary or Mill M	A Date B Time (24 Hr Clock	b) (6)
(activity code) E01 (D) (O) M		
22. Signature (b) (6) 23. AR Number (b) (6)		·
	22. Signature (b) (6)	23. AR Number (b) (6)

MSHA Form 700-3, Apr 08 (revised) in accordance with the provisions of the Shilah dustress Regulatory Entotechnic Parlieses Act of 120, the Shilah dustress and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Businesse Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

District	Western	Field Office	Boise, ID	Mine ID	(b) (6	6)	Date	(b) (6)
Mine (Citation/Order			U.S. Depar	tment of L	abor		
				Mine Safety	and Health	n Administra	tion	
	Violation Data							
1. Date	Mo Da Yr	2. Time (24 Hr. (•			3. Citation/ Order Nu	_{mber} (b) (6	i)
4. Serve	(b) (6)	(b)	(6)	5. Operator		1		
(b) (6)				(b) (6)				
6. Mine				7. Mine ID	(b) (6)			
(b) (e	,			<u> </u>	(b) (6)		· · · · · · · · · · · · · · · · · · ·	(Contractor)
	ition or Practice					-		n Notice (103g)
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to p	revent perso	ons from 18	alling onto the discount of the contract of th	ne beit.	The be	It is a	pproxima	tery 25
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			ad a cover over					
			sher. Person					
			uries from fa					-
		·	,					
						See Conti	nuation Form (MSI	HA Form 7000-3a)
9. Violat	ion A. Health	B. Section	T C. F	Part/Section of				
J. 110121	Safety	of Act		Ttle 30 CFR		56.14	109	
Section II	Other							
10. Grav							· · · · · ·	
A. Inj	ury or Illness (has) (is):	No Likelihood 🔲	Unlikely 🔲	Reasonably LI	kely 🗹	Highly Likely	☐ Occ	irred 🗌
	ury or illness could rea- nably be expected to be	. No Lost Work	days Lost Workd	ays Or Restricte	ed Duty 🗌	Permanenti	y Disabling 🔽	Fatal 🗌
C. Sig	gnificant and Substantia	l: Yes ☑	No 🗌			D. Number of	Persons Affecte	d: 001
11. Negi	igence (check one)	A. None	B. Low C. Mc	oderate 🗹	D. High	E.	Reckless Disreg	jard 🔲
12. Type	of Action 104a		13. Type of Issuance	(check one)	Citation 🗹	Order 🗌	Safeguard [Written Notice
14. Initia	I Action	C. Safeguard	D. Written Notice	E. Citation/ Order Numb	er		F. Dated	Mo Da Yr
	or Equipment							
	or Equipment							
	5	Mo Da Yr	Г					
16. Iem	nination Due A. Date	(b) (6)	B. Time (24 Hr. Clock)	(b) (6)				· ·
Section III	Termination Action	(2) (3)	<u> </u>					
17. Actio	n to Terminate Han	drails hav	e been instal	lled on h	both si	des of	the conve	eyor belt.
					· ·		·	
18. Term	minuted A Dote	Da Yr 6) B. Time	e (24 Hr. Clock (k	o) (6)				
Section IV	Automated System Data							
	of Inspection vity code) E01	20. Event Number	(b) (6)	21. Prim	ary or Mill M			
22. Signa	ature (b) (6)	<u> </u>				23. AR 1	Number (b) (6)
							on the Devel Devel	nose Administration has

MSHA Form 7000-3, Apr 08 (revised)
In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 9rd Street, SW MC 2120, Washington, DC 20410. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

istrict	Western	Field Office	Boise, ID	Mine ID	(b) (6)	Date	(b) (6)
Mine	Citation/Order						mtion	
Section	I–Violation Data			Willie Sale	ty and rieal	ui Administ	auon	
		2. Time (24 Hr.	. Clock)	- 1	-	3. Citation	(h)	(6)
	(b) (6)	(t	o) (6)			Order N	lumber (D)	(0)
				5. Operator (b) (6)				
	1		•	7. Mine ID	(b) (6)			(Contractor)
	lition or Practice		 				8a. Wri	· · · · · · · · · · · · · · · · · · ·
		nveyor Bel	t located i	n the Sec	ondary I	Mill Bu	ilding t	unnel, does
onto tail tunn	the belt. pulley and el on a dai	The belt i is approx ly basis.	s approxima simately 16 This condit	tely 32 in inches wie ion expose	nches al de. Pers	sons tr	e ground avel thr	near the ough the
5 -								
			•					
				· · ·		See Co	ntinuation Form (M	SHA Form 7000-3a)
9. Viola	Safety _	B. Section of Act	·	C. Part/Section of Title 30 CFR		56.1	14109	
Section I		<u> </u>	L					
	•	. No. 1 3 - 2 1 band (المعالمة ا	. December	ileah.	Highly I Book		eurod [
B. In	jury or illness could rea	- No Lest Was		<u>_</u>			_=	
_		· · · · · · · · · · · · · · · · · · ·						
11. Neg	ligence (check one)	A. None		C. Moderate	D. High		. Reckless Disr	egard []
			 		Citation 🗹	Order [
	al Action	C Safeguard	D Written Notice	E. Citation/	ber		F. Dated	Mo Da Yr
		J 0. 00.0 3 00.0		<u></u>			<u>.</u>	
13. 7162	or Edabuseur							
16. Tem	nination Due A. Dat	Mo Da Yr te (b) (6)	B. Time (24 Hr. Cloc	(b) (6	i)			
Mine Citation/Order U.S. Department of Labor Mine Safety and Health Administration Mine Mine Mine Mine Mine Mine Mine Mine								
Section Providence Date								
18. Tem	ninated A. Date M	oDa Yr B. Tin	ne (24 Hr. Clock					
Section h			· 					
19. Type	of Inspection	20. Event Numb	per (b) (6)	21. Pri	-			
	(1)	, 1	77		M	23. AR	Number	(b) (6)
	(0) (0	1						\ / \ \- /

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudaman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudaman at Small Business Administration, Office of the National Ombudaman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudaman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

	ion/Order						II S Dona	rtment of I	abar		
									Labor th Administ	ration	(%)
Section IViola											
	Mo Da (b) (6)	Yr	2. Time	(24 Hr. C (b)	(6)				3. Citation Order N		(6)
4. Served To (6)				(/			5. Operator (b) (6)				
6. Mine (6)							7. Mine ID	(b) (6))		
B. Condition of	or Practice			· 	·		L	()	/	8a Writt	(Contractor ten Notice (103g)
		ed t	o pro	tect	persons	from	acciden	tal cor	ntact w		Jaw Crushe
											ection of
guard a	approx	imat	ely 1	1 inc	hes hig	h and	2 and 1	/2 inch	nes in v	vidth has	s broken
											ne opening
											and down
									cease ne	ext to th	ne opening
ally e	exposi	ıg t	nem to	o sev	ere enta	angiem	ent inj	uries.			
							•				
. Violation	A. Health		B. Section			C Ps	art/Section of		See Cor	tinuation Form (MS	SHA Form 7000-3a)
. Violation	Safety		of Act	'			le 30 CFR		56.14	112a1	
ection IIinspe	ctor's Evalua	on									· · · · · · · · · · · · · · · · · · ·
0. Gravity: A. Injury or	· Illness (ha	s) (is):	No Likelih	nood [Unlikely		Reasonably Li	keiy 🗸	Highly Likely	. 000	urred [
B. Injury or sonably	illness cou		No Los	st Workd	ays 🗍 L	ost Workda	ys Or Restricte	ed Duty [Permanen	tly Disabling 🗸	Fatal [_]
	ant and Sub		1.	s 🗸	No 🗌				D. Number o	Persons Affecte	ed: 001
											001
	e (check on	e)	A. None	<u> </u>	B. Low	C. Mod	ierate 🗹	D. High		. Reckless Disre	
1. Negligence		<u> </u>	A. None		 _	C. Mod		D. High	Order	. Reckless Disre	
Negligence Type of Ac	ction 10	4a	A. None		 _	f Issuance (Citation 🔽			gard 🗌
Negligence Type of Ac Initial Actic	ation 10 on B. Ord	4a			13. Type of	f Issuance (check one)	Citation 🔽		Safeguard [gard Written Notice
Negligence Type of Ac Initial Action A. Citation	ation 10 on B. Ord	4a			13. Type of	f Issuance (check one)	Citation 🔽		Safeguard [gard Written Notice
Negligence Type of Ac Initial Action A. Citation	ation 10 on B. Ord	4a			13. Type of	f Issuance (check one)	Citation 🔽		Safeguard [gard Written Notice
Negligence Type of Ac Initial Actic A. Citation Area or Eq	on B. Ord	4a	C. Safegui	ard 🔲 I	13. Type of	f Issuance (d	check one) E. Citation/ Order Numb	Citation 🗹		Safeguard [gard Written Notice
1. Negligence 2. Type of Ac 4. Initial Actic A. Citation 5. Area or Eq 6. Terminatio	on B. Ord	4a er	C. Safegu	ard 🔲	13. Type of	f Issuance (d	check one)	Citation 🗹		Safeguard [gard Written Notice
1. Negligence 2. Type of Ac 4. Initial Actic A. Citation 5. Area or Eq 6. Terminatio ection III—Term	etion 10	4a er	C. Safegui	ard 🔲 1	13. Type of D. Written Notice B. Time (24 Hr	ce E	check one) E. Citation/ Order Numb (b) (6	Citation 🗹		Safeguard [gard Written Notice
1. Negligence 2. Type of Ac 4. Initial Actic A. Citation 5. Area or Eq 6. Terminatio ection III—Term	etion 10	4a er	C. Safegui	ard 🔲 1	13. Type of	ce E	check one) E. Citation/ Order Numb (b) (6	Citation 🗹		Safeguard [gard Written Notice
1. Negligence 2. Type of Ac 4. Initial Actic A. Citation 5. Area or Eq 6. Terminatio ection IIITerm 7. Action to T	on B. Ord	4a er Date The	C. Safegui Mo Da (b) (6) guard	Yr has	13. Type of D. Written Notin B. Time (24 Hr	ce E	check one) E. Citation/ Order Numb (b) (6	Citation 🗹		Safeguard [gard Written Notice
1. Negligence 2. Type of Ac 4. Initial Action 5. Area or Eq 6. Terminatio ection III—Term 7. Action to T	on B. Ord guipment on Due Anation Action reminate	4a er Date The Moi (b) (6	C. Safegui Mo Da (b) (6) guard	Yr has	13. Type of D. Written Notice B. Time (24 Hr	ce E	check one) E. Citation/ Order Numb (b) (6	Citation 🗹		Safeguard [gard Written Notice
1. Negligence 2. Type of Ac 4. Initial Action A. Citation 5. Area or Eq 6. Terminatio ection IIITerm 7. Action to T	on B. Ord quipment on Due A lination Action reminate d A. Date	4a er Date The Moi (b) (6	Mo Da (b) (6) guard	ard Yr has	13. Type of D. Written Notin B. Time (24 Hr been re	ce E	(b) (6	Citation 🗹		Safeguard [gard Written Notice
Negligence Type of Ac Initial Action A. Citation	on B. Ord Juipment In Due Annual A	4a er Date The Moi (b) (6	C. Safegui Mo Da (b) (6) guard	ard Yr has	13. Type of D. Written Notin B. Time (24 Hr	ce E	(b) (6	Citation 🗹		Safeguard [gard Written Notice

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

District	Western	Field Office [Boise, ID	Mine ID	(b) (6	6)	Date [b) (6)
Mine Cita	tion/Order				ı rtment of L a ty and Health		ation	
Section I-Vio	lation Date		·····		ty dire i louid			<u> </u>
1. Date	Mo Da Yr	2. Time (24 Hr. C	lock)		 	la Citation/		
4. Served To	(b) (6)	(b)				3. Citation/ Order N		<u>)</u>
(b) (6)	· · · · · · · · · · · · · · · · · · ·			5. Operator (b) (6)		:		
6. Mine (b) (6)				7. Mine ID	(b) (6)			(Contractor)
Condition	or Practice						8a. Writte	n Notice (103g)
the re the wa approx daily.	quired min ll approxi imately 18 Persons c rform main	imum clear mately 61 inches in an not saf	e Primary rance of 3 dinches above front of tell access rk on them	feet aroung the the boxes the boxes	nd them. oor and Person to dea	The both ave a s work ctivate	xes are super sac in the be in an er	located on ck uilding mergency
	-							
9. Violation	A. Health Safety Other	B. Section of Act		C. Part/Section of Title 30 CFR		56.12	2019	IA Form 7000-3a)
	ector's Evaluation				 			
10. Gravity: A. Injury of	or Illness (has) (is):	No Likelihood	Unlikely 🔽	Reasonably L	ikely [Highly Likely	Occu	rred 🔲
	or illness could rea- y be expected to be:	No Lost Workd	ays Dost Wo	rkdays Or Restric	ted Duty 🗌	Permanent	ly Disabling 🔽	Fatal 🗌
C. Signific	cant and Substantial	Yes 🗌	No 🗹	-		D. Number of	Persons Affected	^{i:} 001
11. Negligen	ce (check one)	A. None	B. Low 🗹 C	. Moderate	D. High	E.	Reckless Disreg	ard 🗌
12. Type of A	Action 104a		13. Type of Issua	nce (check one)	Citation 🗹	Order [Safeguard 🗌	Written Notice
14. Initial Act A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Num	ber		F. Dated	Mo Da Yr
15. Area or E	Equipment							
16. Terminat	A. Date	Mo Da Yr (b) (6)	B. Time (24 Hr. Clock	(b) (6	3)	,		
Section IIITerr	mination Action							
17. Action to	Terminate							
18. Terminate	A. Date	Da Yr B. Time	(24 Hr. Clock					
Section IV-Aut	omated System Data							
19. Type of in (activity of		20. Event Number	(b) (6)	21. Prir	nary or Mill M			
22. Signature	(b) (6)	I		•		23. AR I	Number (b) (6)
MSHA Form 70	00-3, Apr 08 (revised)	In accordance with	the provisions of the Sma	ill Business Regulato	ry Enforcement Fa	irness Act of 19	96, the Small Busin	ess Administration has

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1995, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

District	West	ern	Field C	Office	Boise, I	D	Mine ID	(b) ((6)] D	ate [(k	o) (6)	
			•										
Mine (Citation/Ord	ler						artment of		44! - ···			
Section I-	-Violation Data						Willie Sale	ty and nea	alth Adminis	tration	1		<u> </u>
1. Date		a Yr	2. Time	(24 Hr	Clock)				3. Citation	n/	/b) /C	<u> </u>	
	(b) (6)			(b)	\ /^\					Numbe	,(b) (6)	
4. Serve (b) (6)	d To						5. Operator (b) (6)						
6. Mine (b) (6))						7. Mine ID	(b) (6)			(Contra	actor)
8. Condi	tion or Practic	ж					<u> </u>				8a. Writter	Notice (103	<u> </u>
The	Primary	Mill	MCC	Room	has comb	ustil	ole mat	erial s	stored n	ear	the sw	vitch	
boxe	s. The	480 v	olt s	witch	n boxes a	re mo	ounted o	on the	wall in	the	room	and th	ere
are	grease	bucke	ts st	ored	on the f	loor	near th	he swit	ch boxe	s. A	An arc	flash	
from	a 480	volt	switc	h boz	x would i	gnite	e the g	rease.	There a	re t	:wo 5 g	gallon	
buck	ets and	l a th	ird c	ontai	iner of g	rease	e prese	nt in t	he room	. Pe	ersons	enter	the
room	daily.	toac	cess	the c	grease fo	r the	e mill.	This c	onditio	n ex	rposes	person	S
to b	urn inj	uries	asso	ciate	ed with a	fire	€.						
									See Co	ntinuatio	on Form (MSH.	A Form 7000-3a	a) 🗌
9. Violati		ltn ☐ ☐	B. Section of Act	n			art/Section of tle 30 CFR		56	4500			
	Oth				·			<u> </u>					
	Inspector's Eva	luation											
10. Gravi A. Iniu	ty. Iry or Iliness (has) (is):	No Likelli	nood [Unlikely	27	Reasonably I	ikelv 🗆	Highly Likel	, _—	Occur	red 🗍	
8. Inju	iry or illness of	ould rea-	No. Lo	st Work			ays Or Restric	 _			abling 🗸	Fatal [
	nificant and S			es 🗌	No 🗸	 -		,	т —	<u> </u>	ons Affected		 .
11. Negli	gence (check	one)	A. None [B. Low	C. Mo	derate 🗹	D, High	_ 	E. Reck	dess Disrega		
12. Type	of Action	104a		****	13. Type of I	ssuance	(check one)	Citation 🗸	Order 🗌	Safe	eguard 🗌	Written Noti	œ 🗌
14. Initial A. Cital		Order 🖂	C. Safegu	ard [D. Written Notice		E. Citation/ Order Num	ber			F. Dated	Mo Da	Υr
15. Area	or Equipment												
16. Termi	nation Due	A. Date	Mo Da	Yr	B. Time (24 Hr.	Clock)	(b) (6)						
Castles III	Termination Ac	lian .	(b) (6)				(5) (5)						
	to Terminate												
17.740001	10 1000000	,											
													
18. Termi	A. Dat	e Mor	Da Yr	B. Time	(24 Hr. Clock								
Section IV-	Automated Sys	tem Data											
	of Inspection ty code)	E01	20. Even	t Number	(b) (6	3)	21. Prir	nary or Mill M					
22. Signal	ture (b)	(6)	J					141	23. AR	Numbe	er (b) (6)	
MSHA Form	7000 3 4 2 2	- /	in access	12000 1100	the provisions of the	Small D.	olnood Drawles	ry Enforcement	Fairment Act of 5	1006 the	Small Duning	es Administratio	on has

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District Western Field Office Boise,	ID Mine ID (b) (6) Date (b) (6)
Mino Otherina (Onder	
Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
Section !Violation Data	White Galety and Fleath Administration
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ Order Number (b) (6)
(b) (6) (b) (6) 4. Served To	0,00,10,00
(b) (6)	5. Operator (b) (6)
6. Mine	7 Nice ID
(b) (6)	(Contractor)
8. Condition or Practice	8a Written Notice (103g)
	n the Volvo L45 Loader did not function when
	d the plant daily for clean up and loading of area of the loader would not know if the
	cions causing injuries to miners from a
vehicle accident.	Julio oddorny rinjarros to mriioro rrom d
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section Safety of Act	C. Part/Section of Title 30 CFR 56.14100b
Other 🗍	30.141000
Section II-Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly L!kely Occurred
B. Injury or illness could rea-	est Workdays Or Restricted Duty Permanently Disabling Fatal F
sonably be expected to be: No Lost Workdays Lost C. Significant and Substantial: Yes No 🗸	D. Number of Persons Affected: 001
	C. Moderate D. High E. Reckless Disregard
	Issuance (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 📗
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
. 24. /	
16. Termination Due A. Date (b) (6) B. Time (24 Hr.	Clock) (b) (6)
(D) (O)	
Section III—Termination Action 17. Action to Terminate The lights have been	replaced and now function properly.
The lights have been	repraced and now runction property.
18. Terminated A. Date (b) (6) B. Time (24 Hr. Clock	(b) (6)
Section IV-Automated System Data	
19. Type of Inspection 20. Event Number (b) (C)	21. Primary or Mill
	23. AR Number (b) (6)
22. Signature (b) (6)	23. AR Number (b) (6)

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CAT	to	Internal Review	Summation or	Base	Base Points		SUM	Review		
	Progra	Findings	Examples	Point Value	Value	Inspector =1	Supervisor = 2	District = 3		Category
1	C/MNM	MSHA failed to identify the deviations in approved plans	All plans, training, escape, roof, ventilation, anything that requires approval	5					0	09
2	C/MNM	Incomplete or inadequate inspections	Not following policy, procedures, failure to cite violations, inspecting all areas/equipment, conducting 103(i) inspections	5					0	09
3	C/MNM	Supervisors did not provide adequate oversight	No review/lax review of inspection reports/ PKW/SAR/FAR/AA	5		N/A			0	0%
4	C/MNM	Improper evaluation of gravity, negligence, type of enforcement action	Inadequate documentation/note	5					0	0%
5	C/MNM	Peer Reviews were inadequate	Did not include audit reviews, follow up, FARs/AAs	4		NA			0	0%
6	C/MNM	Weakness in the ACRI Program	Not following ACRI policy/handbook, management oversight of ACRI program, ACRI program consistent with Mine Act, 30 CFR, MSHA policy	3		N/A	N/A		0	09
7	C/MNM	MSHA Data not used/reviewed	Key Indicators, Mine Profile, Inspection Completion Statistics, Databases not maintained	2					0	09
8	C/MNM	Lack of Unwarrantable Failure Tracking System	Self Explanatory	1		N/A			0	09
9	C/MNM	Conflict of Interest	Prior employment, supervision of relatives, etc.	1					0	09
10	C/MNM	Failure to comply with Hazard Complaints procedures	Hazard Complaint handbook, policies, procedures not being followed	1					0	09
11	С	Failure to conduct investigations for multi-phase plans	No on-site investigations	. 1		N/A	N/A		0	0%
12	С	Failure to observe retreat mining	Wherever retreat mining is conducted (except longwall mining)	1					0	0%

Minimum Score = 0 Coal Maximum Score = 96 MNM Maximum Score = 85 Summary:

A) The audit revealed the Boise Field Office, Boise Idaho had none of the twelve most common issues found in the internal review reports as issues identified by the audit team.

B) None of the ten internal review categories that relate to the metalnonmetal program area were identified during this audit.